United Nations A/57/PV.92

General Assembly
Fifty-seventh session

Official Records

92nd plenary meeting
Wednesday, 25 June 2003, 3 p.m.
New York

President: Mr. Kavan ..... (Czech Republic)

In the absence of the President, Mr. Gallegos Chiriboga (Ecuador), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 18 (*continued*)

Election of judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter from the President of the Security Council (A/57/800)

Memorandum by the Secretary-General (A/57/801 and Add.1-5)

Curricula vitae (A/57/802)

The Acting President (*spoke in Spanish*): The General Assembly will proceed to the election of 18 ad litem judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for a four-year term of office commencing on the day of the completion of this election.

(*spoke in English*)

By its resolution 1431 (2002) of 14 August 2002, the Security Council decided to establish a pool of ad litem judges in the International Criminal Tribunal for Rwanda. To that end, it decided to amend articles 11, 12 and 13 of the Statute of the International Criminal Tribunal for Rwanda.

In resolution 1431 (2002), the Security Council further requested the Secretary-General to make practical arrangements for the election as soon as possible of 18 ad litem judges in accordance with article 12 ter of the Statute of the International Criminal Tribunal, as so amended.

The election of the 18 ad litem judges will take place in accordance with the relevant provisions of article 12 and article 12 ter of the Statute of the International Criminal Tribunal for Rwanda, as amended by the Security Council in its resolution 1431 (2002) of 14 August 2002.

In accordance with article 12 ter, paragraph 1 (d), of the Statute of the International Criminal Tribunal for Rwanda, as amended by the Security Council, the Holy See, being a non-member State that maintains a permanent observer mission at United Nations Headquarters, will participate in the election in the same manner as the States Members of the United

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

03-40660 (E)

Nations. I am happy to welcome here the representative of the Holy See.

In accordance with subparagraph 1 (c) of article 12 ter of the Statute of the International Criminal Tribunal for Rwanda, the Security Council, at its 4745th meeting on 23 April 2003, established a list of 35 candidates for transmittal to the General Assembly. The list, adopted by the Council in resolution 1477 (2003) of 29 April 2003, was formally conveyed to the President of the General Assembly by a letter dated 29 April 2003 from the President of the Security Council. The letter was issued as document A/57/800.

I would like to take this opportunity to draw the attention of the Assembly to the other documents relating to the election.

The memorandum by the Secretary-General concerning the election of ad litem judges of the International Criminal Tribunal for Rwanda is contained in document A/57/801 and Addenda 1 to 5. The list of candidates can be found in paragraph 7 of document A/57/801. Information regarding the withdrawal of 12 candidates is contained in Addenda 1 to 5.

The curricula vitae of the candidates are contained in document A/57/802. In this connection, may I bring to the Assembly's attention article 12 of the Statute of the International Criminal Tribunal for Rwanda, as amended, which stipulates that ad litem judges of the Tribunal shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. According to the same provision, due account shall be taken in the overall composition of the Chambers and sections of the Trial Chambers of the Tribunal of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

Also in connection with this election, I would like to bring to the attention of the General Assembly the following:

Given the similar nature of the election of judges of the International Court of Justice and the election of judges of the International Criminal Tribunal for Rwanda, it was decided at the time of the previous elections of judges in 1995, 1998, 2001 and 2003 to follow similar election procedures in the General Assembly. In his memorandum contained in document A/57/801, the Secretary-General suggests, in paragraph 8 (b), that these precedents be followed and that rule 151 of the rules of procedure of the General Assembly be applied to the election of ad litem judges of the International Criminal Tribunal for Rwanda.

May I take it that the Assembly agrees to that suggestion?

It was so decided.

The Acting President: In accordance with subparagraph 1 (d) of article 12 ter of the Statute of the International Criminal Tribunal for Rwanda, as amended, the candidates who receive an absolute majority of the votes of States Members of the United Nations and of the non-member State shall be declared elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors, for this purpose, are all the 191 Member States, together with the non-member State, the Holy See. Accordingly, 97 votes constitute an absolute majority for the purpose of the present election.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than 18, a second ballot will be held and balloting will continue in the same meeting, if and as necessary, until 18 candidates have obtained an absolute majority. In any second or subsequent ballot, each elector may vote for no more than 18 candidates, less the number of candidates who have already obtained absolute majorities.

Following the practice in the election of judges of the International Court of Justice, the Secretary-General suggests in his memorandum that any second or subsequent balloting shall be unrestricted. Votes may accordingly be cast in any second or subsequent ballot for any eligible candidate who has not yet obtained an absolute majority.

It is further suggested that, following the practice in the election of the judges of the International Court of Justice, if more than 18 candidates obtain an absolute majority of votes in the first ballot, a second ballot will be held on all candidates and balloting will continue at the same meeting, if and as necessary, until 18 candidates, and no more, have obtained an absolute majority.

May I take it that the Assembly agrees to the procedures I have just outlined?

It was so decided.

The Acting President: I should like to remind Members that, pursuant to rule 88 of the rules of procedure of the General Assembly,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting."

Therefore, any announcements, such as those concerning withdrawals of candidatures, should be made prior to the commencement of the voting process, that is to say, before the announcement of the beginning of the voting process.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only the ballot papers that have been distributed. Representatives may vote for no more than 18 candidates. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than 18 names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the Acting President, Mr. Taranda (Belarus), Mr. Ortúzar (Chile), Mrs. Poire (France), Mr. Kobayashi (Japan) and Mrs. Faye (Senegal) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.35 p.m. and resumed at 5.15 p.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	178
Number of invalid ballots:	1
Number of valid ballots:	177
Abstentions:	2
Number of members voting:	175
Required absolute majority:	97
Number of votes obtained:	
Ms. Flavia Lattanzi (Italy)	164
Ms. Taghreed Hikmat (Jordan)	151
Mr. Kenneth Machin (United Kingdom)	150
Mr. Lee Gacuiga Muthoga (Kenya)	150
Ms. Florence Rita Arrey (Cameroon)	144
Ms. Karin Hökborg (Sweden)	144
Mr. Tan Sri Dato' Hj. Mohd. Azmi Dato' Hj. Kamaruddin (Malaysia)	142
Ms. Solomy Balungi Bossa (Uganda)	140
Mr. Emile Francis Short (Ghana)	140
Mr. Albertus Henricus Joannes Swart (Netherlands):	135
Mr. Vagn Joensen (Denmark)	133
Ms. Aura Emérita Guerra de Villalaz (Panama)	133
Mr. Robert Fremr (Czech Republic)	129
Mr. Seon Ki Park (Republic of Korea)	126
Mr. Joseph Edward Chiondo Masanche (United Republic of Tanzania)	124
Mr. Aydin Sefa Akay (Turkey)	119
Mr. Mparany Mamy Richard Rajohnson (Madagascar)	118
Mr. Gberdao Gustave Kam (Burkina Faso)	117
Ms. Agnieszka Klonowiecka-Milart (Poland)	109
Mr. Patrick Matibini (Zambia)	104
Mr. Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo)	102
Ms. Beradingar Ngonyame (Chad)	85
Mr. Xenofon Ulianovschi (Republic of Moldova)	80

In the ballot just completed, more than the required number of candidates have obtained an absolute majority.

In accordance with the decision taken earlier, the Assembly will proceed to another unrestricted ballot to fill the 18 vacancies.

There remain 18 seats to be filled. The Assembly will now proceed to a second round of voting to fill 18 vacancies. In accordance with the decision taken earlier, this second ballot shall be unrestricted.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only those ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than 18 names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the Acting President, Mr. Taranda (Belarus), Mr. Ortúzar (Chile), Mrs. Poire (France), Mr. Kobayashi (Japan) and Mrs. Faye (Senegal) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5.35 p.m. and resumed at 6.45 p.m.

The Acting President (*spoke in Spanish*): The result of the voting is as follows:

Number of ballot papers:	176
Number of invalid ballots:	1
Number of valid ballots:	175
Abstentions:	1
Number of members voting:	174
Required absolute majority:	97
Number of votes obtained:	
Ms. Flavia Lattanzi (Italy)	154
Ms. Taghreed Hikmat (Jordan)	152
Mr. Lee Gacuiga Muthoga (Kenya)	149
Ms. Florence Rita Arrey (Cameroon)	145
Mr. Kenneth Machin (United Kingdom)	145
Ms. Solomy Balungi Bossa (Uganda)	140
Ms. Karin Hökborg (Sweden)	140
Mr. Emile Francis Short (Ghana)	138
Mr. Tan Sri Dato' Hj. Mohd. Azmi Dato' Hj. Kamaruddin (Malaysia)	136
Mr. Vagn Joensen (Denmark)	134
Mr. Albertus Henricus Joannes Swart (Netherlands)	131
Mr. Seon Ki Park (Republic of Korea)	129
Mr. Mparany Mamy Richard Rajohnson (Madagascar)	127
Ms. Aura Emérita Guerra de Villalaz (Panama)	127
Mr. Joseph Edward Chiondo Masanche (United Republic of Tanzania)	125
Mr. Robert Fremr (Czech Republic)	118
Mr. Aydin Sefa Akay (Turkey)	116
Mr. Gberdao Gustave Kam (Burkina Faso)	110
Ms. Agnieszka Klonowiecka-Milart (Poland)	95
Mr. Patrick Matibini (Zambia)	95
Mr. Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo)	86
Ms. Beradingar Ngonyame (Chad)	61
Mr. Xenofon Ulianovschi (Republic of Moldova)	50

Having obtained an absolute majority, the following candidates were elected ad litem judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for a four-year term of office beginning on 25 June 2003: Mr. Aydin Sefa Akay, Ms. Florence Rita Arrey, Ms. Solomy Balungi Bossa, Mr. Robert Fremr, Ms. Taghreed Hikmat, Ms. Karin Hökborg, Mr. Vagn Joensen, Mr. Gberdao Gustave Kam, Mr. Tan Sri Dato' Hj. Mohd. Azmi Dato' Hj. Kamaruddin, Ms. Flavia Lattanzi, Mr. Kenneth Machin, Mr. Joseph Edward Chiondo Masanche, Mr. Lee Gacuiga Muthoga, Mr. Seon Ki Park, Mr. Mparany Mamy Richard

Mr. Emile Francis Short, Mr. Albertus Henricus Joannes Swart and Ms. Aura Emérita Guerra de Villalaz.

The Acting President: I take this opportunity to extend to the ad litem judges the congratulations of the Assembly on their election and to thank the tellers for their assistance.

We have thus concluded this stage of our consideration of agenda item 18.

The meeting rose at 6.55 p.m.